

1 Why would somebody delete that history from the data base?

2 A If the testing is needed, I don't know why they
3 would delete it. They had the capability to disable the
4 testing, to stop the testing, without deleting the set-up. So
5 I don't know why they would delete it.

6 Q So it appeared that somebody was just erasing the
7 evidence, if you will.

8 A That's the way I interpreted it at the time,
9 correct.

10 Q From Sunday through Thursday, during your
11 monitoring, did you ever monitor any -- for lack of a better
12 term -- legitimate page from Capitol's transmitters?

13 A I don't recall hearing anything other than this
14 specific tone sequence. Granted there could've been something
15 initially that we just -- initially when we began monitoring,
16 we'd hear tones. We had to hear these things repeated several
17 times before we began to recognize the pattern. In those
18 first several pages, it's possible that there could've been
19 something. But I would say after a half-hour, certainly after
20 an hour of monitoring, we heard nothing other than those --
21 that same sequence of tones.

22 Q You've talked about Mr. Stone saying that they were
23 testing the link for this system. Link is -- is that another
24 term for a control station?

25 A Another term for control, correct.

1 Q Capitol had two base stations, is that correct, one
2 in Huntington and one in Charleston?

3 A I believe that's correct, yes.

4 Q So what we're talking about is the control link
5 between those two base stations?

6 A Between those two stations and the controlling
7 terminal.

8 Q Now, that -- the base stations are on 152.48,
9 correct?

10 A I believe that's correct.

11 Q Now, the control frequency, would that have been on
12 the same frequency?

13 A No, sir. That was -- I believe it was 460-something
14 megahertz. I'm not sure of the specific frequency at this
15 time. But it would be a different channel.

16 Q So if those tones that were generated repeatedly, if
17 they were intended for a legitimate pager, it certainly
18 wouldn't have been on the control frequency.

19 A Yes. The tones are generated or initiated by the
20 paging terminal and yes, they would've been on the other --
21 that link frequency as well.

22 Q Your paging -- if I'm the customer and I'm carrying
23 a pager around --

24 A You would've been -- that pager is listening to the
25 152 megahertz channel.

1 Q Right. That's what I'm trying to understand here,
2 what those -- what purpose those tones would've served if we
3 -- accepting Mr. Stone's story that they were testing the
4 control link.

5 A When I questioned Mr. Stone about the validity of
6 such test, he changed his story. The testing then became --
7 or the story was that the testing was being done to test for
8 pager coverage, could you or I as customers receive his page
9 or this page in various parts of the area that he served.

10 Q But you testified that they weren't operating their
11 transmitters at their fully authorized power -- or were they?

12 A In the case of the Huntington, that's correct. But
13 in the case of the Huntington site, operating the transmitter
14 at less than it's capable, as well.

15 Q So it wouldn't have been a very valid range test
16 under those circumstances, would it?

17 A In my opinion, it would not.

18 Q Would it have been possible for that test set-up
19 though to cause interference to co-channel licensees?

20 A It occupies air-time, meaning that other licensees
21 on the channel don't have access to the channel during that
22 time. In this particular set-up, he's consuming 20-some
23 seconds per minute every minute. He's consuming a third of
24 the air-time.

25 Q And if the thing was running at midnight and there

1 was nobody at Capitol, obviously there's no way to stop that
2 interference, right?

3 A Not that I'm aware of.

4 Q Did you see any Capitol employees in the field
5 testing their base station?

6 A No, I did not.

7 Q Did Mr. Stone identify for you the names of people
8 who were out in the field testing this stuff?

9 A I recall asking. I believe his reply was that he
10 did not know. This would've been on the morning of the 15th.

11 Q Did he ever tell you how many employees they had?

12 A Not at the time. I have seen things since then. I
13 believe it indicated 26 employees. But at the time of the
14 inspection, no, it was not -- it was not brought up.

15 Q When did -- when did you leave the area, complete
16 your study?

17 A Probably by noon on that Friday, the 16th.

18 Q Was the tone sequencing back on the air when you
19 left?

20 A No, it was not.

21 MR. JOYCE: I have no further questions.

22 JUDGE CHACHKIN: Any questions, Mr. Hardman?

23 MR. HARDMAN: Yes, Your Honor. I have a few.

24 JUDGE CHACHKIN: Go ahead.

25 CROSS EXAMINATION

1 BY MR. HARDMAN:

2 Q Let's first deal with the testing transmissions,
3 make sure that I understand what your testimony is. The term
4 interference is used a lot of different ways by different
5 people, would you not agree?

6 A I would agree.

7 Q And what I'm first trying to find out and try to
8 understand is your view of what constitutes interference under
9 FCC rules for shared paging systems.

10 A Under FCC rules, I believe it's anything that
11 hampers other users. I'm not sure -- I believe we have a rule
12 book over here. If you would like to read the definition, you
13 certainly can.

14 Q But do you know if there is a definition of
15 interference in the rules?

16 A I believe there is in Part 90.

17 MR. HARDMAN: Could Counsel help me out? I know the
18 term is used.

19 MR. JOYCE: I believe he's answered your question.

20 MS. FOELAK: There is a definition in Part 90 of the
21 rules.

22 MR. JOYCE: Your Honor, I have no objection to his
23 question as long as we're not asking for a legal opinion from
24 the witness who's obviously not an attorney.

25 MR. HARDMAN: Your Honor, the witness has testified

1 about -- and some of which was from questions propounded by
2 Mr. Joyce that specifically used the term interference and --

3 JUDGE CHACHKIN: Well, I permitted the question.
4 There's no objection, so let's just go ahead. You wanted him
5 to find it?

6 MR. HARDMAN: Well, I'm -- yeah. I'm trying to
7 understand when he --

8 JUDGE CHACHKIN: How he would use it in the case of
9 --

10 MR. HARDMAN: Right. What he considers to be
11 interference that he was looking for.

12 BY MR. HARDMAN:

13 Q I assume you were looking for some form of
14 interference when you went to inspect the facilities in
15 Charleston and Huntington, did you not?

16 A Yes, we were. Specifically looking toward Capitol's
17 and RAM's allegations that the other was causing the
18 interference.

19 Q And --

20 A That interference was -- they would transmit at the
21 same time. One would transmit during the time the other was
22 on the air. RAM, more specifically, alleged that Capitol was
23 on the air with excessive testing, consuming air time, not
24 giving them the opportunity to get in there. I would deem
25 that as interference.

1 Q That's also a form of interference in addition to
2 the classic simultaneous transmission.

3 A I would deem things along that line, given that
4 testing is a legitimate transmission. Testing beyond what's
5 needed and also hampering activities of other licensees on the
6 channel, I would deem as interference.

7 Q Now, on the hampering of activities, I believe you
8 testified, at least three or four different times, that you
9 observed that in the sequence, the tests --- the three sets of
10 tones, it would be stored until the channel was available and
11 then transmitted --

12 A From our monitoring, that would appear to be the
13 case. From our knowledge -- limited knowledge of paging set-
14 ups, the storage would be --

15 Q But, no, I'm just saying that from your monitoring,
16 you observed that the test pages were held air-time was
17 available and then transmitted, did you not?

18 A Correct.

19 Q So at least hypothetically anyway, no one else is
20 trying to transmit during that time that that channel is
21 available. Isn't that true?

22 A During those times when it is stored, correct. There
23 were exceptions to that.

24 Q Well, we'll get to the exceptions in a minute. But
25 I'm just saying that when the system stores the test and then

1 waits until the channel is clear, then no one else is
2 attempting -- by definition, no one else is attempting to
3 transmit during that time. Isn't that true?

4 A If I follow your question, during the time that
5 Capitol is waiting for RAM to get done testing, RAM finishes,
6 Capitol does -- up to this point, we have no problem. There's
7 no interference. If RAM then, in turn, has to wait for
8 Capitol to finish his transmissions, if Capitol's
9 transmissions are not necessary, I would deem that to be
10 interference.

11 Q Well, it's certainly excessive testing. Okay, we'll
12 agree on that, can we not?

13 A Yeah.

14 Q Now, the time frame we're talking about here, you
15 said the sequence takes about 20 seconds to cycle through the
16 test sequence?

17 A Each sequence was roughly 20 seconds, correct.

18 Q So if I'm understanding your testimony then, the --
19 Capitol would store its test transmissions -- generally, store
20 the test transmissions until the channel was clear and then it
21 would transmit tests for about 20 seconds. Is that right?

22 A Each sequence is roughly 20 seconds. If we start to
23 store them, if we get a backlog, we may have 40 seconds or 60
24 seconds, 80 seconds, depending on how Capitol's storage
25 capability was limited. I do not recall how many of these

1 test sequences they could store. But --

2 Q Well, when you say -- I'm sorry?

3 A But each sequence was roughly 20 seconds.

4 Q So let's say the channel was busy and Capitol stored
5 -- you said their storage capability was limited. Are we
6 talking --

7 A I remember the storage capability was somewhat
8 limited. Right now, I don't remember whether they could store
9 four pages or ten pages, 20 pages. I remember it was limited.

10 Q So again, we're -- you don't have to be real precise
11 here, but your perception at the time was that if they stored
12 the test sequence, it would run, what, a minute or so of test
13 transmissions?

14 A Yeah.

15 Q So that the delay, assuming worst-case scenario and
16 that RAM was waiting to transmit all that time, you're talking
17 about these test transmissions delaying RAM for a minute
18 approximately.

19 A Correct.

20 MR. HARDMAN: Your Honor, I have designated this
21 witness as part of Capitol's direct case. I can do it either
22 way that suits your pleasure. I can --

23 JUDGE CHACHKIN: I think it makes more sense to just
24 finish with this witness.

25 MR. HARDMAN: That's fine, Your Honor.

1 MS. FOELAK: Your Honor, after he finishes his cross
2 examination --

3 JUDGE CHACHKIN: Well, let's -- if you could
4 designate when you've completed your cross examination and
5 moving on and taking the witness on your own, it might be
6 useful for purposes of Ms. Foelak questioning the witness
7 further, if you can, delineate that.

8 MR. HARDMAN: I will try to do that, Your Honor.

9 JUDGE CHACHKIN: Let me ask you one thing. When you
10 use the term interference, are you -- is that your term or is
11 it based on some definition of the Commission in the case of
12 shared frequencies?

13 MR. WALKER: Oh -- excuse me.

14 JUDGE CHACHKIN: I'm asking you.

15 MR. WALKER: It's based on the Commission's
16 definition.

17 JUDGE CHACHKIN: Do you know what the rule is?

18 MR. WALKER: I cannot quote the rule.

19 MR. HARDMAN: Your Honor, it's news to me. I don't
20 know of any case where it's been defined. I don't know of any
21 --

22 JUDGE CHACHKIN: Well, that's why I'm asking the
23 basis of his definition, whether it's his own definition or
24 there's something in the Commission's rules which sets forth a
25 definition when frequencies are shared, what constitutes

1 interference. Does the Bureau have such a definition? Is
2 there a rule they could point to?

3 MS. FOELAK: Your Honor, it is set forth -- there is
4 a definition of harmful interference and a definition of
5 interference in Part 2 of the rules. It's in Section 2.1.
6 Perhaps also it could be helpful if I could ask him the
7 question in a different way. Perhaps it would --

8 JUDGE CHACHKIN: Well, you'll get your opportunity.
9 But I'm just wondering is there a rule which defines
10 interference when you have shared frequency.

11 MS. FOELAK: There is a rule. Section 2.1 on Page
12 291 of the October '92 CFR.

13 JUDGE CHACHKIN: 2.1?

14 MS. FOELAK: That's correct.

15 MR. JOYCE: I believe also, Your Honor, that Section
16 90. -- either 173 or 175 demands licensees to operate their
17 station in a way so as not to cause harmful interference to
18 co-channel licensees.

19 JUDGE CHACHKIN: We're not talking about co-channel
20 licensees here, are we?

21 MS. FOELAK: Yes, we are.

22 MR. JOYCE: Yes, Your Honor.

23 MS. FOELAK: Same channel.

24 JUDGE CHACHKIN: Go ahead, Mr. Hardman.

25 BY MR. HARDMAN:

1 Q Let's go back a little bit to the beginning and I
2 want to understand the capacity that you're testifying here.
3 You're not holding yourself out as an expert in the paging
4 industry, are you?

5 A No, sir.

6 Q Thank you. And I believe you testified that when
7 you -- that you first started hearing from the folks at RAM
8 and Capitol in the spring of '91?

9 A Yes. To the best of my recollection, yes.

10 Q And I believe -- would it be accurate to say that
11 you primarily got telephone calls?

12 A Primarily phone calls and an occasional letter.

13 Q An occasional letter and from RAM, was it from Mr.
14 Capehart?

15 A I believe everything is from Mr. Capehart. In the
16 case of Capitol, from Mr. Raymond.

17 Q Now, I believe you also testified that each of them
18 claimed that the other side was causing interference to their
19 operations. Now, did they not also, at least in Capitol's
20 case, say that they would welcome an inspection?

21 A Both did say that. They also said they -- each
22 claimed to be receiving interference from the other. They
23 both denied that they were causing interference and they both
24 welcomed inspections.

25 Q Now, based on your experience in investigating

1 interference complaints, did you not interpret the
2 communications that -- as being that both RAM and Capitol
3 believed that they were operating in compliance with the rules
4 and it was the other guy's fault?

5 A They both said they were in compliance. Whether I
6 believed that at the time, I don't know. I just don't recall.
7 The allegation of malicious, deliberate interference, I hear
8 that a lot and rarely find it. I did not expect to find it.
9 I did not expect to find the alleged deliberate interference.

10 Q When you say you did not expect to find it, help me
11 out here. We're now back in the spring of '91 and you're
12 getting communications from the folks at RAM and Capitol and I
13 -- did -- are you testifying that they both accused the other
14 of malicious interference?

15 A To the best of my knowledge, yeah, that's what they
16 were claiming.

17 Q Both sides were --

18 A Both sides were claiming deliberate, malicious
19 interference.

20 Q And based on your experience, then you were
21 skeptical.

22 A Skeptical of the deliberate or malicious portion.
23 Certainly accepting that there's interference, but skeptical
24 as to the deliberateness of it.

25 Q And I gather the reason that you were skeptical is

1 because of the nature of the radio business, that these kinds
2 of interference issues come up a lot.

3 A These types of issues come up a lot. Typically it's
4 some technical malfunction.

5 Q When you say a technical malfunction, do you mean
6 equipment not operating properly?

7 A Some equipment malfunction.

8 Q Perhaps intermod?

9 A Perhaps intermod, perhaps somebody's busy monitor
10 not functioning as it should, perhaps just an inadvertent type
11 thing were somebody transmits while somebody else is on the
12 air.

13 Q Would you explain for the Court, please, what
14 intermod is?

15 A Mixing of signals and the product of that mix
16 usually will affect a third or another channel.

17 Q Just to clarify that a little bit, isn't it true
18 that in the case -- when intermod happens, that two trans--
19 the signals from two transmitters combine and produce an on-
20 channel signal on a third frequency?

21 A Yes.

22 Q And when that happens, the signal that occurs on
23 that third frequency is not deliberately caused by either of
24 the two transmitters, is it?

25 A It is not deliberately caused. That's correct.

1 Q And isn't it also true that in many cases, the
2 people operating the -- either of the other two transmitters
3 are not even aware that this product is being caused. Isn't
4 that correct?

5 A (Witness nods yes.)

6 Q Now, when you advised the RAM and Capitol folks that
7 were talking to you that if you had to get involved, you would
8 be looking for substantial violations -- is that a fair --

9 A That would be a fair representation of what was
10 said, yes.

11 Q And could either Capitol or RAM have interpreted
12 your comment as meaning that if you're not doing anything
13 wrong, you have nothing to fear from an inspection?

14 A I believe that's the way they interpreted it. Just
15 affirmed by the fact that they both welcomed inspections or
16 claimed -- stated that they would welcome an inspection.

17 Q Now, let's go down to the -- to your inspection and
18 what I'm -- I'm doing this a little out of sequence because I
19 want to do my cross examination first and then come back to
20 the other. You've referred, at various times in your direct
21 examination, to having been monitoring during portions of the
22 different days and I would refer you to your response to the
23 Capitol's interrogatories in which, in your statement that you
24 submitted, you said, "On August 12th, I monitored from 11:40
25 a.m. until 4:30 p.m. On August 13th, the monitoring took

1 place between 10:49 and 11:45 a.m." Do you remember those
2 statements?

3 A I don't specifically remember the statements. The
4 times are times that we can support with some sort of a log
5 from our monitoring. This certainly is not the extent, the
6 full extent of the monitoring.

7 Q Well, let me see if I understand. You kept a log
8 during those times.

9 A During the times stated here, yes.

10 Q During the times we just went over and you made
11 fairly detailed notes about what you observed and when you
12 observed it. Isn't that true?

13 A To the extent that we observed -- that we observed
14 something that we felt was worth -- well, that I felt was
15 worth noting, I made a log entry.

16 Q Now, it goes on to say then, "During August 14,
17 while on un-related assignments, we continued monitoring and
18 observed occurrences similar to those of August 12 and 13. I
19 did not record any of these." So on the 14th, you would sort
20 of episodically tune in on 152.48 and hear what was going on,
21 but not on a regular basis.

22 A If I recall the particular circumstances correctly,
23 most of the time the receiver was there. Our other
24 assignments did not require monitoring as such.

25 Q Well, then, when -- so this -- it was sort of a

1 continuous broadcast on 152.48?

2 A The channel is fairly busy. 75 percent of the time,
3 is activity on the channel?

4 Q Well -- but what I was getting at is you have the
5 receiver. The receiver is in your van, right?

6 A The receiver's in the vehicle, correct.

7 Q And it has an audio --

8 A It has a speaker attached.

9 Q So you left that radio on --

10 A Probably most of the time during -- most of the time
11 that we were in the vehicle on the 14th, yes, the receiver was
12 on. We were able to monitor.

13 Q And 14th, you said that was the day you went over to
14 RAM?

15 A I think that's correct, yes. It would've been
16 Wednesday.

17 Q So you spent a lot of time out of the vehicle on the
18 14th.

19 A During the inspection of RAM's facilities, we were
20 out of the vehicle, but were in the vehicle driving between
21 Charleston and Ashland.

22 Q Which is about how far?

23 A About an hour plus travel.

24 Q And you were also doing unrelated assignments that
25 occupied your time?

1 A Unrelated assignments as well.

2 Q Turning now to Page One of PRB Exhibit 3, which is
3 your report on the inspection, the second to the last
4 paragraph, the last two sentences, beginning, "On several
5 occasions on each day, it was observed that RAM Technologies
6 would cease transmitting. Capitol would begin transmitting."
7 Do you have that, sir?

8 A Yes.

9 Q And then the next sentence, "Such activity on RAM's
10 part is perceived to be capable of causing --

11 MS. FOELAK: Objection. Relevance.

12 JUDGE CHACHKIN: How could it be irrelevant? It was
13 your exhibit. You introduced it. It was received.

14 MS. FOELAK: We introduced the -- we introduced the
15 entire exhibit so that the entire exhibit would be present.
16 We -- and not appear to have things taken out of it and
17 raising question marks.

18 JUDGE CHACHKIN: He's asking about --

19 MS. FOELAK: We would certainly be happy to strike
20 any material with reference to RAM in it, with reference to
21 their inspection of RAM.

22 JUDGE CHACHKIN: Overruled. The witness has
23 testified about his inspection of RAM. This is permissible
24 cross examination. Overruled.

25 MR. HARDMAN: Thank you, Your Honor.

1 BY MR. HARDMAN:

2 Q Referring to the last two paragraphs there, I notice
3 that the phrasing you use in your report is different when you
4 discuss the observed transmissions by RAM that you perceive as
5 causing harmful interference and those of Capitol. Would you
6 agree that based on your observations and your monitoring that
7 RAM interfered to Capitol's transmissions more than vice-
8 versa?

9 A I believe what we observed was that there were more
10 occurrences where RAM transmitted during Capitol's
11 transmission than there were occurrences of Capitol
12 transmitting during RAM's transmissions.

13 Q And by that, you're talking about simultaneous
14 transmissions and that's interference by anyone's definition,
15 right?

16 A Simultaneous -- simultaneous. Potential.
17 Interference potential. Did it disrupt communications?

18 Q Let me see if I understand that --

19 A Had I had Capitol's pager with me near RAM's
20 transmitter -- RAM's transmitter, I suspect -- I fully expect
21 would have interfered with my ability to receive Capitol's
22 page. Had I been elsewhere in the area, I don't know.

23 Q Well, when you inspected RAM's facilities, what
24 power were they operating on?

25 A They would've been operating approximately the

1 authorized Federal level, 350 watts.

2 Q And can you translate that into effective radiated
3 power?

4 A No. Effective radiated power is transmitter power
5 less line loss plus antenna gain. I don't know what the line
6 loss is. I have no idea what the antenna gain is.

7 Q Well, to keep the comparison even then, you say 350
8 watts output power. I believe you said that one of Capitol's
9 transmitters was a hundred watts output.

10 A One was roughly a hundred watts.

11 Q And one was about 76.

12 A Correct.

13 Q Now, in the scheme of things, is that roughly equal
14 power?

15 A RAM's would be essentially four times -- three and a
16 half, four times of what Capitol was doing.

17 Q So you could get an idea from just the ratio of the
18 power as to what the relative --

19 A Assuming that both are using comparable antennas and
20 comparable transmission line.

21 Q So in that environment, you mentioned a moment ago
22 that you had a Capitol pager and were close to a RAM
23 transmitter, that that would cause -- that that would disrupt
24 the communication to Capitol's pager. Do you recall that?

25 A Yes.

1 Q Isn't it true that the area based on the relative
2 transmitter powers of the RAM and Capitol systems, the area of
3 interference caused by RAM's transmissions, would be much
4 larger than the area of interference caused by Capitol?

5 A I believe we could assume that.

6 Q In that vein, on Page Two of PRB Exhibit 3, the last
7 sentence of the second to the last paragraph which begins,
8 "Mr. Capehart alleges that Mr. Richard Shiben ..." Do you
9 have that, sir?

10 A Yes.

11 Q Now, in that statement, you attribute -- or in that
12 sentence, you attribute a statement to Mr. Capehart of RAM and
13 I believe you testified earlier that you stand behind this
14 report. Is that true?

15 A At this point, yeah, that's true.

16 Q On Page Four of PRB Exhibit 3, the last full
17 paragraph, you talk about some pager numbers that are included
18 in the test set-up and as I interpret this, you're talking
19 about Capitol's test set-up. Is that right?

20 A That's correct.

21 A Now, help me out if you would, of what it is that
22 you're describing here. What is the pager number 1600?

23 A That's the identification of a particular paging
24 receiver.

25 Q It's not a cap code, is it?

1 A I don't know whether it -- this is what you would
2 refer to as a cap code or not.

3 Q Where did you get the number 1600?

4 A These are numbers that were provided by Capitol.
5 These are the numbers that were reconstructed by Mr. Harrison
6 in the test page set-up in the paging terminal.

7 Q To the best of your recollection, it was -- was it
8 Mr. Harrison who supplied these numbers?

9 A I am pretty certain that it was Mr. Harrison.

10 Q And these are numbers then that appear in the
11 terminal, the Capitol's paging terminal?

12 A These are numbers that appeared in the test set-up
13 for the paging terminal.

14 Q Help me out a little bit on the test set-up. We're
15 talking about what, a program -- pre-programmed sequence --

16 A A pre-programmed set of pages, if you will, to be
17 transmitted at a prescribed interval.

18 Q I'm sorry --

19 A In this particular case, the terminal was to
20 transmit to Pager Number 1600 and repeat that page and then
21 transmit to Pager Number 1105 and Pager Number 1106 and the
22 set-up was programmed to run once a minute.

23 Q Now, how do you know it was programmed to run once a
24 minute?

25 A This is what's shown on the computer screen.

1 Q But I thought you said that that was reconstructed.

2 A This is all -- this is the re-- Mr. Harrison's
3 reconstruction of the set-up that we had monitored earlier.

4 Q So he told you that the test set-up was set up to
5 run once a minute?

6 A Yes.

7 Q Is that right?

8 A Yes.

9 Q Now, I believe you had testified earlier that the
10 test sequence had been deleted from the terminal before, you
11 know, before you go through on the modem to Huntington. Is
12 that right?

13 A Correct.

14 Q When Mr. Harrison subsequently came in and you
15 interrogated him about that, do you have any reason to believe
16 that the -- that his reconstruction was inaccurate?

17 A No reason to question it, no. Mr. Harrison seemed
18 to be first-rate forward with us, no hesitation. As I recall
19 things, there was some confusion on his part as to why the
20 test set-up had been deleted as opposed to just being turned
21 off, disabled.

22 Q So you have no reason to believe, at this point,
23 that for whatever reason the test set-up was deleted, that any
24 information has been concealed from you by Capitol about that
25 test set-up, do you?

1 A At this point, no. I have nothing -- no reason to
2 believe that the test set-up as reconstructed by Mr. Harrison
3 is any different from what we were observing.

4 Q Now, I believe you also referred to when you look at
5 the screen -- the terminal screen on the terminal, I guess,
6 what -- is it --

7 A A computer terminal.

8 Q It's a computer terminal that's connected to the
9 paging --

10 A Correct.

11 Q -- terminal. And correct me if I'm wrong here, but
12 I believe I understood you to say that when you viewed the
13 paging activity, the recent history, that that information
14 then was deleted from the terminal?

15 A That appeared to be the case and that's what we were
16 told, also, that once that information was viewed, it was
17 deleted.

18 Q Well, I want to make sure I understand your use of
19 the term deleted. I'm very familiar with certain, you know,
20 data records. When you view them, the data is then erased
21 from memory just by operation of the system. Is that the kind
22 of thing you're talking about?

23 A That's the type of thing we're talking about.

24 Q So you're not suggesting that someone, again,
25 concealed any of this data once you looked at it.

1 A To my knowledge, to the best of my knowledge, that
2 was not concealed. This was a function of the system that we
3 were unaware of.

4 Q Now, let's talk about the scanning receiver. As I
5 understand it, you went over to the scanning receiver and you
6 turned it -- the squelch knob and by doing so, you were able
7 to have the signal that -- there's a -- let me back up.
8 There's a speaker on that unit, is there not?

9 A As best I recall, there's a speaker on the unit.

10 Q And you could, under normal operation, audibly hear
11 a signal coming out of that speaker, could you not?

12 A Correct.

13 Q And when you turned the squelch knob to the right,
14 you could --

15 A Clockwise, I would suspect.

16 Q When you turned the knob clockwise, the speaker went
17 silent. Isn't that right?

18 A That's would seem correct.

19 Q You could no longer hear any signal out of that
20 speaker.

21 A That sounds correct.

22 Q Now, isn't it true that you did not examine the
23 internal circuitry of the unit?

24 A That's true.

25 Q And isn't it also true that when you were able to